

IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISIONAPRIL AARON-BRUSH and GINGER  
AARON-BRUSH,*Plaintiffs,*

vs.

LUTHER STRANGE in his official capacity as  
Attorney General of Alabama, *et al.*,*Defendants.*

Case No.: 2:14-cv-01091-RDP

**PLAINTIFFS' RENEWED MOTION FOR ATTORNEYS' FEES**

Following the Court's denial of Plaintiff's Motion for Attorneys' Fees (Doc. # 46) and Motion to Extend Time for Appeal (Doc. # 47) – *see* Order, Doc. # 48 – Plaintiffs have decided not to appeal the Court's Order of Dismissal, Doc. # 44. Given this decision, Plaintiffs renew their Motion for Attorneys' Fees. *See* Doc. # 48 at 2 (motion administratively terminated without prejudice and “[t]o the extent appropriate, Plaintiffs may renew their Motion for Attorneys' Fees . . . ”).

Pursuant to Rule 54 of the Federal Rules of Civil Procedure, 42 U.S.C. § 1983, and 42 U.S.C. § 1988, Plaintiffs hereby move the Court for an award of their attorneys' fees and non-taxable costs in this matter. Plaintiffs fairly estimate that they will seek to recover approximately \$150,000.00 in attorneys' fees and approximately \$606.30 in non-taxable costs they incurred in this case, in addition to time spent seeking the recovery.

Plaintiffs request that pursuant to Fed.R.Civ.P. 42(b), the Court bifurcate briefing the issue of entitlement of fees from the amount of fees. Rule 42(b) gives the Court discretion to bifurcate issues and claims “[f]or convenience, to avoid prejudice, or to expedite and economize.” Fed.R.Civ.P. 42(b). Bifurcation here would satisfy both the convenience and expeditious purposes of the Rule. The Court’s time would be greatly economized because the parties may come to an agreement on the amount of fees should the Court determine that Plaintiffs are entitled to an award of fees.

Plaintiffs’ Memorandum in Support of Entitlement to Attorneys’ Fees, Expenses and Non-Taxable Costs is submitted with this motion.

Respectfully submitted,

s/ Randall C. Marshall

Randall C. Marshall (ASB-3023-A56M)  
Avery C. Livingston (ASB-3780-G22R)  
Brock Boone (ASB-2864-L11E)  
ACLU of Alabama Foundation  
P.O. Box 6179  
Montgomery, AL 36106-0179  
334-265-2754  
[rmarshall@aclualabama.org](mailto:rmarshall@aclualabama.org)  
[alivingston@aclualabama.org](mailto:alivingston@aclualabama.org)

Wendy Brooks Crew (ASB-5609-e42w)

The Crew Law Firm  
2001 Park Pl Ste 550  
Birmingham, AL 35203-2714  
205-326-3555  
[wbccrew4@aol.com](mailto:wbccrew4@aol.com)

Chase Strangio\*\*

James Esseks\*\*  
ACLU Foundation  
125 Broad Street, 18th Floor  
New York, New York 10004  
212-284-7320  
[cstrangio@aclu.org](mailto:cstrangio@aclu.org)  
[jesseks@aclu.org](mailto:jesseks@aclu.org)

Joel E. Dillard (ASB-5418-R62J)  
Baxley, Dillard, McKnight & James  
2008 Third Avenue South  
Birmingham, Alabama 35233  
205-271-1100  
[JDillard@BaxleyDillard.com](mailto:JDillard@BaxleyDillard.com)

Joshua S. Segall (ASB-9123-O78S)  
Post Office Box 4236  
Montgomery, AL 36103  
334-324-4546  
[Joshua.segall@segalllaw.net](mailto:Joshua.segall@segalllaw.net)

\*\* Admitted *pro hac vice*.

Robert D. Segall (ASB-7354-E68R)  
Copeland, Franco, Screws & Gill, P.A.  
P.O. Box 347  
Montgomery, Alabama 36101-0347  
334-834-1180  
[segall@copelandfranco.com](mailto:segall@copelandfranco.com)

Edward Still (ASB-4786-i47w)  
Edward Still Law Firm LLC  
429 Green Springs Hwy, STE 161-304  
Birmingham, AL 35209  
205-320-2882  
[still@votelandlaw.com](mailto:still@votelandlaw.com)

Cooperating Attorneys for the ACLU of Alabama Foundation

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record for defendants:

James W. Davis (ASB-4063-I58J)  
Laura E. Howell (ASB-0551-A41H)  
Assistant Attorneys General

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL  
501 Washington Avenue  
Montgomery, Alabama 36130-0152  
(334) 242-7300  
(334) 353-8440 (fax)  
jimdavis@ago.state.al.us  
lhowell@ago.state.al.us

Attorneys for Defendants Bentley,  
Strange, Magee, and Richardson

David B. Byrne, Jr.  
Chief Legal Advisor  
STATE OF ALABAMA  
OFFICE OF THE GOVERNOR  
Alabama State Capitol  
600 Dexter Avenue, Ste. NB-05  
Montgomery, Alabama 36130  
(334) 242-7120  
david.byrne@governor.alabama.gov

Additional Counsel for Governor  
Bentley

J. Haran Lowe  
Timothy L. McCollum  
STATE OF ALABAMA  
DEPARTMENT OF PUBLIC SAFETY  
Legal Unit  
P.O. Box 1511  
Montgomery, AL 36102-1511  
(334) 242-4392  
haran.lowe@dps.alabama.gov  
tim.mccollum@dps.alabama.gov

Additional Counsel for Defendant  
Richardson

/s Randall C. Marshall

Randall C. Marshall